

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND TWENTY TWO**

PRESENT

THE HON'BLE JUSTICE G. SRI DEVI

M.A.C.M.A.No.3077 of 2008

Appeal Under Section 173 of M.V. Act against the Judgment/Decree in O.P.No.899 of 2003 dated 22.02.2006 on the file of the Court of the MACT –cum- II Additional District Judge (FTC), Nalgonda.

Between:

APSRTC, rep. by its General Manager, (Now Redesignated as Managing Director) Musheerabad, Hyderabad.

(Owner of bus bearing No.AP11Z 550 of Shadnagar Depot

...APPELLANT/RESPONDENT

AND

1. Amathul Azeem Akthar, W/o.Abdul Khader, aged 40 years, Occ: Household
2. Abdul Khader, S/o.Sattar, aged 45 years, Occ: Business
3. Abdul Rahamma Abrar, S/o. Abdul Khader, aged 15 years, Occ: Student
4. Abdul Salma Tayyab, S/o. Abdul Khader, aged 14 years, Occ: Student

(Claimants 3 & 4 being minors rep., by their natural mother Amathul Azeem Akthar Claimant No.1)

All are R/o. V.T. Colony, Nalgonda, Nalgonda District.

...RESPONDENTS/PETITIONERS

Counsel for the Appellant: SRI V. T. M. PRASAD

Counsel for the Respondents: SRI CHANDRASEKHAR REDDY GOPIREDDY

The Court delivered the following: JUDGMENT

THE HONOURABLE JUSTICE G. SRI DEVI

M.A.C.M.A. No.3077 OF 2008

JUDGMENT:

This appeal is filed by the appellant-APSRTC aggrieved by the order and decree dated 22.02.2006 in O.P.No.899 of 2003, on the file of the Chairman, Motor Accidents Claims Tribunal (III-Additional District Judge (FTC)), at Nalgonda.

2. On 30.06.2003, the deceased Md.Abdul Mukthadir @ Amer was travelling in Ambassador Car bearing No.AP 24-G-7626 from Choudarpalli to Devarakadra of Mahaboobnagar District and when the car reached near a culvert at Devarakadra, an RTC bus bearing No.AP-11-Z-55059, driven by its driver in a rash and negligent manner, dashed the Ambassador car. As a result of which, the deceased along with other inmates of the car died on the spot.

3. The Tribunal, after evaluating the oral and documentary evidence on record, allowed the O.P., awarding a total compensation of Rs.3,40,500/- along with costs and interest @ 7.5% per annum from the date of petition till the date of realization. Aggrieved thereby, the APSRTC has filed this appeal.

4. Heard both sides and perused the record.

5. The learned standing counsel for the appellant-APSRTC contended that the decree of the Tribunal is contrary to law, weight of evidence and probabilities of the case; that the Tribunal erred in fastening the liability on the APSRTC; that the amount awarded is exorbitant; and that the multiplier applied is incorrect. Accordingly, it prayed for setting aside the impugned order in the O.P.

6. On a perusal of the material on record, including the order and decree of the Tribunal, I am of the considered view that there are no valid grounds to interfere with the findings of the Tribunal. Moreover, since the deceased was aged 22 years and unmarried at the time of accident, according to the judgment of the Apex Court in **SARLA VARMA v. DELHI TRANSPORT CORPORATION**¹, the appropriate multiplier applicable to the age of the deceased is '18' and the deceased would have been eligible for future prospects as per the judgment the Apex Court in **NATIONAL INSURANCE COMPANY LIMITED v. PRANAY SETHI AND OTHERS**². If the same are taken into

¹ 2009(6) SCC 121

² 2017 ACJ 2700

consideration, the compensation would have been automatically enhanced. However, since the claimants have not preferred any appeal or cross objections, this court is not inclined to interfere with the award passed by the Tribunal.

7. The appeal is devoid of merit and it is, accordingly, dismissed.

8. Pending miscellaneous applications, if any, shall stand closed.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR

CDL

SECTION OFFICER

To,

1. The Chairman, MACT -cum- II Additional District Judge (FTC), Nalgonda.
(with records)
2. One CC to Sri V. T. M. Prasad, Advocate [OPUC]
3. One CC to Sri Chandrasekhar Reddy Gopireddy, Advocate [OPUC]
4. Two CD Copies
5. One Spare Copy

gbr

V. J.

HIGH COURT

DATED: 21/02/2022



JUDGMENT

MACMA.No.3077 of 2008

DISMISSING THE MACMA
WITHOUT COSTS

⑥ VWV
10/3/22

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Appeal Under Section 173 of M.V. Act against the Judgment/Decree in O.P.No.899 of 2003 dated 22.02.2006 on the file of the Court of the MACT –cum- II Additional District Judge (FTC), Nalgonda.

This appeal coming on for hearing and upon perusing the grounds of appeal, the Judgment and Decree of the Lower Court and the material papers in the case, and upon hearing the arguments of Sri V. T. M. Prasad, Advocate for the Appellant and of Sri Chandrasekhar Reddy Gopireddy, Advocate for the Respondent Nos.1 to 4.

THIS COURT DOTH ORDER AND DECREE that the Decree of the Lower Court be and hereby is confirmed and this Civil Miscellaneous Appeal is Dismissed

and this Court Doth further Order and Decree that there be no order as to costs in this Civil Miscellaneous Appeal.

//TRUE COPY//

SD/-K.SAILESHI
ASSISTANT REGISTRAR

CDs

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V. J.

HIGH COURT

DATED: 21/02/2022

DECREE

MACMA.No.3077 of 2008

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WITHOUT COSTS

④ vvv
10/3/22